



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 14, 2001

4APT-ARB

Mr. Arthur Williams, Director
Air Pollution Control District of Jefferson County
850 Barrett Avenue, Suite 200
Louisville, Kentucky 40204

SUBJ: EPA's Review of Proposed Title V Permit for BF Goodrich Company

Dear Mr. Williams:

The purpose of this letter is to notify the Jefferson County Air Pollution Control District that the United States Environmental Protection Agency (EPA) formally objects to the issuance of the above referenced proposed title V operating permit for BF Goodrich Company located in Louisville, Kentucky.

Based on our review of the proposed permit, EPA formally objects, under the authority of Section 505(b) of the Clean Air Act (the Act) and 40 C.F.R. § 70.8(c), to the issuance of the title V permit for this facility. The basis of EPA's objection is that the permit does not fully meet the periodic monitoring requirements of 40 C.F.R. § 70.6(a)(3)(i)(B) and 40 C.F.R. § 70.6(c)(1), the permit application did not contain sufficient information to establish compliance with all applicable requirements as required in 40 C.F.R. § 70.5(c)(3), and the permit did not address compliance certifications for alternate operating scenarios as required in 40 C.F.R. § 70.6(c)(1).

Section 505(b)(1) of the Act and 40 C.F.R. § 70.8(c) require EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that it is not in compliance with the applicable requirements under the Act or 40 C.F.R. part 70. Pursuant to 40 C.F.R. § 70.8(c), a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. part 70 are provided in the enclosure to this letter. Section 70.8(c)(4) and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance so that any outstanding issues may be addressed prior to the expiration of the 90-day period.

We are committed to working with you to resolve these issues. Please let us know if we may provide assistance to you and your staff. If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief, Air Permits Section at (404) 562-9141. Should your staff need additional information they may contact Mr. César Zapata, Kentucky Title V Contact, at (404) 562-9139, or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

\s\

Winston A. Smith
Director
Air, Pesticides & Toxics
Management Division

Enclosure

cc: Roger K. LaCosse, Plant Manager, BF Goodrich Company
Jesse Goldsmith, Jefferson County Air Pollution Control District

I. EPA Objection Issues

1. Periodic Monitoring - Off-permit Documents, Preventive Maintenance Program Plan:
The proposed permit establishes the use of a Preventive Maintenance Program (PMP) plan as periodic monitoring for particulate matter emissions. The PMP plan does not satisfy the monitoring requirements of 40 C.F.R. § 70.6(a)(3)(i)(B) and 40 C.F.R. § 70.6(c)(1) for the following reasons:

The title V permit may incorporate by reference inspection and maintenance plans. However, one of the criteria that must be met for incorporations by reference is that the information must be currently applicable and available to the permitting authority and the public (i.e., available as part of the public docket on the permit action or as information available in publicly accessible files located at the permitting authority). See 40 C.F.R. § 70.7(h)(2). The PMP plan was not initially included in the permit review materials provided to EPA and, therefore, appears not to have been available to the public during the 30-day public comment period on the draft permit.

In addition, the PMP plan contains a claim of confidentiality regarding the frequency of equipment inspections. However, the frequency of inspections does not appear to involve the type of information entitled to confidential treatment for reasons of business confidentiality as defined by 40 C.F.R. Part 2, Subpart B. In fact, the frequency of measurements, testing, or inspections is an important element of any monitoring plan and must be included in the portion of the public docket substantiating the adequacy of the monitoring required in the permit.

Even if the entire PMP plan was included in the public docket of the draft permit, the plan does not appear to satisfy the requirement of 40 C.F.R. § 70.6(a)(3)(i)(B), which requires that the permit includes periodic monitoring sufficient to yield reliable data from the *relevant time period* that are *representative of the source's compliance* with the permit. The “relevant time period” is generally the averaging period of the applicable requirement or is based on the run time of the EPA reference test method that would be conducted for compliance demonstrations. For example, if an applicable rule requires measurement of compliance through the average of three 1-hour test runs, the relevant time period would be 3 hours. Data is “representative of compliance” if it allows for a reasonably supportable conclusion regarding the compliance status of the emissions unit over all anticipated operating conditions during each relevant time period. The PMP plan does not require inspections to be conducted frequently enough to make this assessment.

The requirements of the PMP plan appear to be standard maintenance procedures that are normally performed on the types of equipment covered by the plan. The plan requires equipment checks to be performed at frequencies of quarterly, semiannually, and annually. However, controlled emission units should be scrutinized at least daily to

provide adequate assurance of compliance. The basis for this position is that the potential environmental benefits of quickly identifying and correcting control device operating problems justify the cost associated with frequent monitoring. For units that do not rely upon control devices to comply with applicable standards, the likelihood of emission limit violations is a key factor that should be considered when establishing monitoring frequencies. Monitoring uncontrolled units on a daily basis may not be necessary when the likelihood of violations is low. Conversely, daily monitoring may be necessary for uncontrolled units if the likelihood of violations is high.

Since several of the emission points at B.F. Goodrich are equipped with control devices to control particulate matter emissions, the company may wish to use parametric monitoring to assure that emissions are adequately controlled. A parametric range that is representative of proper operation of the control equipment could be established using source data that shows a relationship between control parameter(s) and particulate matter emissions. The permit would have to specify the parametric range or the procedure used to establish the range, as well as the frequency for re-evaluating the range. Another method the company might use for monitoring particulate matter emissions is through the visual observations already required by the proposed permit. Maintaining visible emissions below certain thresholds may be shown to provide reasonable assurance of compliance with particulate matter emission limits. For units that normally operate without any visible emissions, a periodic confirmation of the lack of visible emissions would likely provide reasonable assurance that control equipment is operating properly and that units are complying with the particulate matter limits. For units that normally do operate with some visible emissions, periodic Method 9 testing would be necessary to provide this assurance. Another acceptable method for monitoring particulate matter emissions controlled by baghouses is the use of bag leak detection units.

2. One-time Compliance Demonstrations: Some of the permit limits displayed under the **Compliance Monitoring** column indicate the intended compliance monitoring method using the word “ONE” for a one-time compliance demonstration that the limit can never be exceeded. The permit states that the permittee provided one-time compliance demonstrations for several emissions points. However, such demonstrations for all emissions points where the monitoring method was indicated as ONE in the proposed permit were not contained in the permit application or the statement of basis. The permit application contains only general equations to estimate emissions. Pursuant to 40 C.F.R. § 70.5(c)(3)(iii), the permit application must include the emissions rate in tpy and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method. In addition, 40 C.F.R. § 70.5(c)(3)(viii) requires calculations on which the emission information is based. Therefore, the permit application and permit failed to include data sufficient to assure compliance with the applicable requirements as required by 40 C.F.R. § 70.6(a)(3)(i)(B) and 40 C.F.R. § 70.6(c)(1). To address this deficiency, for emissions points where the monitoring method is indicated as ONE, the District needs to submit the calculations and actual emissions information showing that

emission limits cannot be exceeded or establish appropriate periodic monitoring to assure compliance with the applicable requirement.

3. **PSD Issues:** The proposed permit contains annual (tons per year) emissions limits for particulate matter designed for the facility to avoid being subject to PSD. EPA does not accept blanket tons per year emission limits for PSD avoidance because these limits are not practically enforceable. The permit needs to include operation, production or control device requirements along with short term emissions limits like the one found in the table U-RES Emission Points, to make these limits practically enforceable. Please refer to the June 13, 1989, memo from John Seitz about guidance on limiting potential to emit, specifically Section III, for the types of limitations that can be used to restrict potential to emit (http://www.epa.gov/ttn/nsr/psd1/p2_31.html). Additionally, the regulatory authority to impose such limits is not included in the permit as required in 40 C.F.R. § 70.6(a)(1)(i). The permit needs to be modified to include practically enforceable limitations and the appropriate regulatory citations for such limitations.

Additionally, the annual permit limits to avoid PSD included in the additional conditions for emissions unit U-RES are for several emissions points that were installed in different years. The permitted emissions for some of these emissions points appear to exceed the significant emissions rates for PSD review. After reviewing the title V application, it seems that the facility became major for PSD purposes for particulate matter in the early 1970's. The following table provides information about several facility modifications that were identified from data in the permit application:

Year	Emission Increases (TPY)
1985	217.25
1987	53.74
1988-89	72.85
1992	65.92
1993	111.03
1994	27.61
1995	18.05
1998	17.96

Based on the above information, it seems that there were significant increases for PSD purposes of particulate matter emissions for all the years, except 1995 and 1998. However, for these two exceptions, the emission increases could have been significant for

particulate matter of less than 10 microns (PM_{10}). Please provide an explanation of why these significant emissions increases did not go through PSD review.

4. Averaging Time - U-RES Additional Condition 2.a.i: This condition specifies a monthly averaging time to monitor compliance with the hourly particulate matter emissions rate for several emissions points. Monthly averaging of hourly emissions does not yield reasonable data from the relevant time period that is representative of the source's compliance with the applicable requirement. Therefore, this condition is not in compliance with 40 C.F.R. § 70.6(a)(3)(i)(B). The permit needs to include an averaging time that is representative of the source's compliance with the permit limit. This averaging time period should be at least daily. Please modify the permit accordingly.

5. Periodic Monitoring - U-RES Additional Condition 2.a.iii: As stated in item 3. above, these limits need to be practically enforceable. Also, for those limits, the permit failed to include data sufficient to assure compliance with the applicable requirements as required by 40 C.F.R. § 70.6(a)(3)(i)(B) and 40 C.F.R. § 70.6(c)(1). The equation in Additional Condition 2.a.iii. can be used to calculate the particulate matter emissions every month for the emissions points subject to an annual emission limit and appears to be the method chosen to assure compliance with these limits. However, the variables used in the equation need to be explained better. Variable B is the load factor, the amount of material the collector "sees." Based on our interpretation of this equation, this number resembles an emission factor. Variable C is the control efficiency of the control equipment. There is no testing data in the application or in previous permits and the proposed title V permit does not require the permittee to test the emissions points to verify the factors and assumptions used in the calculation of the emissions. The permit needs to specify the origin of the values to be used in the equation as well as the specific values for each emissions point or appropriate periodic monitoring requirements need to be included in the permit.

6. Periodic Monitoring - U-RES and U-CMP Additional Condition 2.b: This condition requires weekly visible emission surveys with an option to scale back to monthly. We believe that the weekly frequency is not adequate. Neither the permit nor the statement of basis provide adequate justification for the infrequent surveys. Please provide historical data to support the proposed frequency and the option to reduce the testing frequency to monthly. Otherwise, daily visible emissions surveys may be necessary to assure compliance with the visible emissions limit in the permit. It may be possible to include an option to reduce observation frequency where historical data shows no visible emissions. For emissions units that normally operate without any visible emissions, a periodic confirmation of the lack of visible emissions would likely provide reasonable assurance that control equipment is operating properly and that units are complying with the particulate matter limits. For emissions units that normally do operate with some visible emissions, periodic Method 9 testing would be necessary to provide this assurance.

Additionally, the reference to EPA Method 22 needs to be deleted from this condition because fugitive particulate matter emissions have an opacity limit and Method 9 should be performed instead.

7. Practical Enforceability - U-RES and U-CMP Additional Condition 3.a: The recordkeeping requirements in this condition need to be more specific to be practically enforceable. For example, a) the permittee must keep daily records of the amount of material processed in tons per day; b) the permittee must record the hours of operation every day for every emissions point. The permit must include sufficient monitoring to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Pursuant to 40 C.F.R. § 70.6(a)(3)(i)(B), please change the permit conditions accordingly.
8. Practical Enforceability - U-RES and U-CMP Additional Conditions 5 and 6 and U-LTX Additional Conditions 6 and 7: It is unclear what the intent of additional conditions five and six are. These conditions appear to allow the use of chemicals and/or equipment at the facility that were not included in the facility's permit application. As currently written, these conditions are not specific enough to be enforceable as a practical matter. If the permittee desires to make changes to the processes by using other raw materials and installing new equipment, an evaluation of the regulatory implications of those changes need to be made before the changes can be implemented. Please delete these conditions from the permit as they are ambiguous and not enforceable as a practical matter.
9. Periodic Monitoring - U-CMP Comments/Explanation 3.: Because fugitive particulate matter emissions can occur when handling pellets, monitoring for opacity seems necessary. Please add monitoring requirements for opacity for these emissions points and delete comment/explanation 3, or provide information showing that handling of pellets does not create fugitive emissions.
10. Compliance Certification - U-LTX Alternative Operating Scenario: The permittee must be able to certify compliance with all applicable requirements pertaining to the use of the Vent Gas Absorber System (C-LPA-VGA) at Oxy Vinyls, LP (Oxy Vinyls) as a secondary and final control for its recovery system. Pursuant to 40 C.F.R. § 70.6(c)(1), the permit must include language that requires BF Goodrich to be able to certify compliance with the applicable requirements during the alternate operating scenario event. This could be done by requiring a copy of the monitoring records from Oxy Vinyls during the event or having Oxy Vinyls certify compliance for BF Goodrich.
11. Practical Enforceability - U-LTX Additional Condition 9: The level of detail contained in this condition is inadequate. For practical enforceability purposes and to accurately determine the source's compliance status, these provisions need to be more specific regarding the applicable monitoring, recordkeeping and reporting requirements. The

applicable requirements should, at a minimum, be cited by section down to the level which clearly defines the applicable requirements. The permit needs to include specific citations of the recordkeeping requirements in 40 C.F.R. Part 61 or spell out the applicable recordkeeping requirements.

12. Permit Modifications - General Condition 15: This condition requires that all changes to the off-permit documents (in this case the PMP) be processed in accordance with Jefferson County Regulation 2.16, section 5. Changes to monitoring provisions must, at a minimum, be processed as minor permit modifications. A minor permit modification requires EPA's 45-day review. General Condition 15 should be changed to reflect that changes to the PMP will be required to be processed as a minor or major permit modification pursuant to Jefferson County Regulation 2.16, sections 5.5 or 5.7. Another option is to add a condition in the Additional Conditions section of the permit that requires changes to the PMP to be processed as minor or major modifications pursuant to Jefferson County Regulation 2.16, sections 5.5 or 5.7.

General Comments

1. General Comment: Please note that our opportunity for review and comment on this permit does not prevent EPA from taking enforcement action any non-compliance, including non-compliance related to issues that have not been specifically raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Title V permit application, Appendix A: The permit application contains a list of pending permit modification requests for several emissions points. These modification requests include the removal of several restrictions and emission limitations. These requests must be evaluated carefully with respect to its impact on potential emissions and New Source Review applicability. Please be aware that any increases in annual emissions must be reviewed very carefully. Based on information provided in the application and permit, it appears that Oxy Vinyls, the Zeon Company, BF Goodrich and Geon Company (Poly One) are one major facility for PSD purposes. Therefore, any increases or decreases in emissions must be evaluated in conjunction with any other contemporaneous increases or decreases for all these facilities.
3. General Comments, Facility-wide: B.F. Goodrich has a SIC Code that identifies the facility as a chemical processing facility. In this case, the facility must include its fugitive emissions as well as process emissions when determining whether or not the facility is subject to PSD regulations and/or Non-attainment New Source Review regulations found in Jefferson County Regulation 2.05, Section 2.21.1 and Regulation 2.04, Section 3.3.20 respectively. Based on the allowable VOC emission rates in the facility's title V permit, it would appear that this facility would be subject to the Non-attainment New Source

Review regulations found in Jefferson County Regulation 2.04. It does not appear that this facility has been through the Lowest Achievable Emission Rate (LAER) determination. Please provide information as to why this facility has not gone through Non-attainment New Source Review for VOCs.

4. Jefferson County Regulation 7.25: Please send a copy of the Air Pollution Control District position paper that establishes December 16, 1987, as the “grandfather” date for facilities regulated under this regulation.